

REMARKS

Claims 13 to 23 are pending in the application.

Drawings

The drawings are objected to because the restoring spring of claim 20 is not shown. Fig. 5 has been amended to show the return element (e.g. spring) as arrow SP that acts on the pivot support 15 for returning it from the position shown in Fig. 5 into the position shown in Fig. 3. This is described in the instant specification in the paragraph bridging pages 5 and 6. This paragraph has been amended to adapt the text to the changes in the drawing. No new matter has been added.

Reconsideration and withdrawal of the objection to the drawings are therefore respectfully requested.

Claim Rejections - 35 U.S.C. 112

Claims 14, 15, 22 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

In regard to claim 14, the examiner objects to the wording "at least phase-wise". This language has been deleted.

In regard to claim 15, the examiner points out that antecedence for the term "the connecting engagement " is missing; this term has been changed to "a connecting engagement" thereby properly introducing the term in claim 15.

In claim 22, "means" has been introduced in order to provide structure.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

Rejection under 35 U.S.C. 102

Claims 13-17, 19, 21-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Burst (US 5,197,776)*.

Claim 13 has been amended to define that the counter member is pivotably supported on the top compartment lid so as to be pivotable from a position parallel to the top compartment lid into a position perpendicular to the top compartment lid. This is clearly shown in Figs. 3 and 5. Also axis S in the Figures indicates the pivot axis of the counter element.

Burst discloses a lid 6, holding down device 12/22 with counter element 20 pivotably supported at 18/19 by the threads and further has support part 11/22.

The counter element 20 can rotate about an axis of rotation that is defined by the threads but it cannot be pivoted from a position parallel to the top compartment lid 6 into a position perpendicular to the top compartment lid 6. The position of the counter element 20 can only be adjusted with regard to the spacing from the lid by turning the counter element 20 by means of the threads.

Claim 13 as amended is therefore not anticipated by or obvious in view of the cited reference.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 102 are therefore respectfully requested.

Rejection under 35 U.S.C. 103

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Burst* (US 5,197,776) and *Liedmeyer et al.* (US 2002/0135201).

Claim 13 as amended is believed to be allowable for the reasons presented above and claim 23 should thus be allowable as a dependent claim.

ALLOWABLE SUBJECT MATTER

Claims 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 has been amended to include the features of claims 13 and 17 and should thus be allowable.

Claim 20 has been amended by incorporating therein the features of claims 13 and 17 and should thus be allowable.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on December 12, 2006,

/Gudrun E. Hockett/

Ms. Gudrun E. Hockett, Ph.D.
Patent Agent, Registration No. 35,747
Lönsstr. 53
42289 Wuppertal
GERMANY
Telephone: +49-202-257-0371
Facsimile: +49-202-257-0372
gudrun.draudt@t-online.de

GEH